

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA

v.

SEAN MURRAY

)
)
)
)
)
)
)

No. 4:05-cr-32
Chief Judge Curtis L. Collier

ORDER

Defendant Sean Murray (“Defendant”) requested a psychiatric/psychological evaluation on September 20, 2005 (Court File No. 4). The request was referred to United States Magistrate Judge Susan K. Lee to conduct an evidentiary hearing and make a report and recommendation (“R&R”) pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Magistrate Judge Lee received a January 6, 2006 letter from Stephen M. Dewalt, Warden of the Federal Bureau of Prisons, Federal Medical Center in Lexington, Kentucky, and a Forensic Evaluation of Defendant. The findings in the evaluation are Defendant is not suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings filed against him or assist his attorney in his defense, and Defendant was sane at the time of the alleged offense.

Defendant filed a Waiver of Competency Hearing pursuant to 18 U.S.C. § 4247(d) on February 21, 2006 (Court File No. 16). On the basis of the waiver and the evaluation, Magistrate Judge Lee recommended the Court find Defendant competent to understand the nature and consequences of the proceedings against him and able to assist in his defense, and further find defendant is competent to stand trial (Court File No. 21). Defendant has filed no objections to the magistrate judge’s R&R.

Therefore, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 21) pursuant to 28 U.S.C. § 636(b)(1)(C), and hereby **ORDERS** the following:

- (1) The defendant is able to assist in his defense and is competent to understand the nature and consequences of the proceedings against him; and
- (2) The defendant is competent to stand trial.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE